

Excerpt from the
HERITAGE PRESERVATION COMMITTEE MEETING
Community Planning & Economic Development (CPED)
250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385

The following actions were taken by the Heritage Preservation Committee on August 19, 2014. The Heritage Preservation Committee's decisions on items are final subject to a ten calendar day appeal period.

Commissioners present: Mr. Paul Bengtson, Ms. Laura Faucher, Mr. Alex Haecker, Mr. Chris Hartnett, Ms. Susan Hunter Weir, Ms. Ginny Lackovic, Ms. Linda Mack, Mr. Robert Mack, and Ms. Constance Vork

Committee Clerk: Fatima Porter 612.673.3153

ITEM SUMMARY

Description:

Item #1- 400 2nd Street Southeast (BZH #28149 Ward 3) (John Smoley)

Schafer Richardson has applied for a Certificate of Appropriateness to structurally stabilize the southeast corner; repair and replace masonry; repair and replace windows and doors; install new window openings; install signage; replace the south wall; replace the roof; install exterior and interior aluminum storm windows; and replace the HVAC system to rehabilitate the Pillsbury "A" Mill Machine Shop at 400 2nd Street Southeast in the St. Anthony Falls Historic District.

Action:

The Heritage Preservation Commission adopted staff findings and **approved** the Certificate of Appropriateness to structurally stabilize the Machine Shop's southeast corner; repair and replace masonry; repair and replace windows and doors and install window openings on the eastern, western, and northern sides of the building; install new window openings; install signage; replace the south wall; replace the roof; install exterior and interior aluminum storm windows; and replace the HVAC system at 400 2nd Street Southeast, the Pillsbury "A" Mill Machine Shop, subject to the following conditions:

1. All mechanical equipment and supporting infrastructure (to include ductwork, lines, and safety guardrails) shall be painted a dark muted color and set back from the roof edge at least as far as the equipment projects above the roof deck, to minimize views of this new equipment not available during the district's period of significance from the public right-of-way.
2. The applicant shall submit test panels of the replacement brick and stone (or some other evidence) to staff for review prior to the repointing and masonry replacement to ensure:

- a. replacement brick and stone match existing brick and stone in size, color, and finish;
 - b. patching materials match existing brick and stone in color and finish;
 - c. replacement mortar duplicates existing mortar in strength, composition, color, and texture; and
 - d. replacement mortar joints duplicate existing mortar joints in width and in joint profile.
3. Masonry surfaces may be cleaned with low pressure water and detergents, using natural bristle brushes. Chemical masonry cleaner may be used to remove graffiti and mortar wash if the water and brushes fail to do so.
4. All historic and nonhistoric windows and doors shall be painted to match each other.
5. Retain the existing second floor cargo door on the north side of the building.
6. Prior to the issuance of building permits for window repair and replacement, the applicant shall submit plans demonstrating that the replacement window profiles, installation depths, and component dimensions match those of the existing historic windows.
7. The fourth (east) sign must be a wall sign, not a projecting sign.
8. The stucco on the south elevation shall complement the color of the Chaska brick or the limestone foundation.
9. The interior storm windows shall touch the building as lightly as possible, for reversibility's sake, and have frames, rails and stiles that minimize visual impact.
10. By ordinance, approvals are valid for a period of two years from the date of the decision unless required permits are obtained and the action approval is substantially begun and proceeds in a continuous basis toward completion. Upon written request and for good cause, the planning director may grant up to a one year extension if the request is made in writing no later than August 19, 2016.
11. By ordinance, all approvals granted in this Certificate of Appropriateness shall remain in effect as long as all of the conditions and guarantees of such approvals are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Certificate of Appropriateness and may result in termination of the approval.
12. CPED Staff shall review and approve the final plans and elevations prior to building permit issuance.
13. The proposed removal of historic foundation masonry and installation of three new windows and one light well that extends out into the sidewalk on the western side of the building is not approved.

Absent: Stade

Aye: Bengtson, Faucher, Haecker, Hartnett, Hunter Weir, Lackovic, L. Mack, R. Mack, Vork

Motion passed

TRANSCRIPTION

Staff Smoley presented the report.

Chris Wegscheid (275 E 4th St): Good evening commissioners, I am the project manager from Cermak Rhodes Architects in St. Paul and I've been working with Amanda and Maureen at Shafer Richardson on this for the last few months. And if I might, I'll just go through the conditions that John just outlined and touch briefly on them quickly the ones that we would like to have a little debate over. And I may ask for some help from Amanda and Maureen as I go through, if they have anything that they might want to add. I'll just go through the same list that John did as quickly as I can. Number one, the mechanical equipment on the roof; we have done some studies, as John mentioned we're not sure who the tenants in the building are going to be. But, we've done some studies based on a couple different occupancies including a restaurant and we've looked at the type of mechanical equipment that is likely to go on the roof. And the worst case scenario for the roof type equipment is a, one particular piece of equipment is an air handler if the building were to have a restaurant; the ventilation requirements are much greater for restaurants. There's an air handler that would go on the roof. That air handler is about five feet tall but its 25 feet back from the edge of the roof. So it easily meets that one to one ratio requirement. If that air handler isn't there, all the other equipment that remains on the roof is even better i.e., lower and further away from the edge of the roof. So, that's the worst case scenario at this moment not knowing exactly what tenants will be in the building. Number two, the transformer lines; there are electrical lines that go from the street to the transformer and then from the transformer to a switch gear equipment on the south side of the building, and from the switch gear into the building. None of those lines are exposed, they're all underground so they go underground into the transformer, out of the transformer to the switch gear, from the switch gear into the building, one hundred percent concealed. The one issue with this condition is the painting of the transformer, as John noted, Excel has notified us that they do not allow painting of the transformer. However the transformers do come, as you noticed around town, a very muted color, typically sort of a slate grey. So given the fact that it backs up against the limestone of a wall, I think we can make the case that we're already meeting the intent of the guidelines. The temporary exterior bracing is, as you might imagine, sort of a complicated issue. When the Bran House came down, that wall, that foundation wall of the building was the original foundation wall of the Bran House. And, it was braced by the upper floor of the Bran House that expand across to top of that wall. When that wall came down, now you got a retaining wall situation where the earth underneath the Machine Shop which only has a partial basement is now pushing against that wall without the Bran House there to resist that force. So my supposition is, not knowing who did this brace or exactly when they did it, is that as that wall started to come in, they added those three large braces. After those braces were added, the wall continued to subside because of some erosion that was happening along the southeast corner. So those braces notwithstanding, there was additional damage that was happening to the building. That's the damage for which the additional bracing and remediation work that has been done corrected. So the masonry was stabilized. There were some large cracks that had developed that were fixed. That bracing was truly temporary. The larger bracing that was put in point after 1990 we're calling it temporary bracing but it was never really intended as a temporary solution. That was a permanent solution to a permanent

problem. So we have since gone in and tried to reduce the forces on that retaining wall by excavating out and replacing the fill behind that wall with some light weight material. But even having done that, the braces are required for the continued stabilization of that wall. There are other alternatives that will make those braces go away but they involve sending members through the wall and actually doing continued damage, or more damage to the wall than what's already there in place. So our preference is to just leave this solution which is a long term solution in place and regard it as part of the life of the building. Applicant shall submit test panels of the replacement brick and stone, we are already required to do all of these steps by SHPO (State Historic Preservation Office) and the National Park Service (NPS). And we're happy to, as we put those mock ups together, to work with HPC but our contention is that, we're already satisfying the SHPO and NPS requirements so at what point are we sort of satisfying enough requirements given that the requirements are the same. The mason cleaning, there's no contention there. The raking of the joints, point number six, we write a specification for how existing brick is to be tuck-pointed and restored. And we write a very specific requirement about how the joints would be raked out. So it says here, from our specification, cut out the center of the mortar bed joints using angle grounders with diamond impregnated metal blades. Remove the remaining mortar by hand chisel and resilient mallet. This is actually a very conservative method. What is often used is a small electric jack hammer or a saw that runs along and takes out the entire joint and often damages the brick. So, in our experience, this is a very conservative and very cautious approach to the removal of the mortar. Point number seven, the color of the doors and windows, our intent is to paint the historic and non-historic windows and doors the same color. Point number eight, about the cargo door. The existing cargo door under that small frame that extends out to the north side of the building is not a weather tight solution it's an old steel door. I think it was probably fabricated on site. And it's not a long term solution to that opening. The intent of the design behind the replacement door there is to be sympathetic to the other openings in the building. And it's not intended as an operable door, it's not detailed as an operable door, that leaf is fixed. So that it's really just a means of addressing the opening in a sensitive way and create a water tight opening so the building is not damaged, or continued to be damaged by that leaking door.

[Maureen Michalski (900 N 3rd St-Schafer Richardson) speaking in the background]:
And I would add that SHPO and the National Park Service have approved that.

Chris Wegscheid: The door and window details, John's point about the ogee lug on the window frame that he mentioned, that's a very good one. That actually appears elsewhere in the joints, I think you have the drawing for that; but it is our intent to replicate that detail in the windows that are to be restored, that lug will be retained or replaced in the same profile if necessary. And those few openings that have been so damaged by mechanical equipment and other alterations to the building over the years, we're replacing the wood windows with new windows that have matching profiles and those will also have that same (??) style ogee lug. So that is our intent to keep that. The signage issue, particularly regarding that sign that we're showing suspended from that crane beam over the second floor door; that door is not operable, as I had mentioned, those are fixed leaves. So the idea of blocking the opening, in our mind is not an issue. And the intent behind, the requirement of no more than 14 feet above grade; the way we have it drawn in the drawing it actually suspends down from that

crane considerably and even at that low height relative to the crane beam it's 20 feet above the sidewalk, the top of the sign. And so I would consider this a special condition. That crane beam is existing; it is in some sense historical. It was there when, I'm not sure when it was put in, but it was put in when that opening was altered. And so, our intent would be to work with that existing fabric and to suspend the sign. If we suspend a sign that's 14 feet above grade, it hangs down so low that it's really not practical to use that crane beam. So, it's really, the intent is to really take advantage of the existing fabric and use that. Point number 11, the east sign, will be a wall sign; I don't think we have any issues with that. Number 12, the stucco on the south elevation shall be painted to match the color of the Chaska brick or the limestone foundation. I think, as an architect, my only concern about the requirement is the word match. I think we can talk about being sympathetic to the existing colors in the building and complementing the existing colors. But we start talking about matching existing colors, it's just kind of a dangerous road to go down because there are so many colors in that stone wall and so many colors in the brick; we're all going to have a different idea about what matches. And we might end up with a color that matches a color in the stone but looks horrible on the building. Stucco is a very tricky material to get the color right because of the texture, it looks different in all different light conditions. And, there are other materials on the building where we have less latitude for the color. For example the window system in that south wall has a very limited palate of what we can, what the manufacture of those systems can provide is much more limited. So I would rather start with the things that we know, the brick, the stone, the window frame color, that sort of thing and then take a step back and try a number of different colors that we'd agree are, we agree the intention is to be sympathetic to the building. We're not looking to do any crazy color scheme here but I'm just...I get a little nervous when I hear the word match because I know how tricky that can be. So we would just like to have a little latitude and maybe change the wording so that we talk about an appropriate color for the building rather than a matching color. Point 13 is interior storm windows shall touch the building as slightly as possible and have frame, rails and stiles that are narrower than those of the historic wood windows. Those two requirements are in some sense contradictory to one another. In the sense that we chose an aluminum frame, a storm window has a very narrow frame. If it has an extremely narrow frame it relies on the window for support.... (Tape Ends)....the windows are very large. The windows are nine feet tall on the first floor. So you can imagine a nine foot tall storm window with no intermediate mullion as what we're showing at the check rail of the window would be extremely fragile and perhaps even dangerous given that these storm windows are compression fit into the opening. They're not fastened into the opening. So with the desire to protect that existing fabric but not putting in a bunch of fasteners, the tradeoff is we have to have a little bit of structure in these storm windows to make them work. The smaller ones on the second floor, the windows are about six feet tall, we can do that all in one piece of glass with one frame around the perimeter; it's really not an issue. But when we get into those larger windows that are nine feet tall, it's just the physics of it. Just trying to provide a storm window in one piece that is that large is really not a practical thing. And then the last issue I believe was the added windows.

Maureen Michalski: Chair Faucher, members of the commission, I would just add that National Park Service and SHPO have approved those new openings as part of their part two review. And then also, previously the Machine Shop had gone through approvals in 2006,

those windows also were approved by the HPC at that time, and they are in the secondary facades.

Chris Wegscheid: So if anybody has any questions.

Chair Faucher: Are there questions of the applicant?

Maureen Michalski: Would it be helpful for us to recap which conditions we would like removed since we kind of went through all of them?

Chair Faucher: I think it's been recapped pretty well, but if people want the recap. Go ahead Commissioner Lackovic.

Commissioner Lackovic: I don't need a recap but I did have one question going back to the cargo door on the second floor. I understand that it's an existing condition and you don't intend to have it operable. How are you letting occupants know that it's not operable?

Chris Wegscheid: It won't have any hardware on it.

Commissioner Lackovic: No hardware on it. That's a pretty good...

Chris Wegscheid: It's just a panel and a fixed frame. It won't appear operable.

Commissioner Lackovic: Sometimes that runs into trouble with that. If there's false hardware and people think they can use it then you end up with lots of monkeying around.

Chair Faucher: I guess I just have one question, you stated that condition 17, the proposed removal of historic foundation masonry and installation of three new windows and one light well, that's what you're saying that the Park Service has approved?

Maureen Michalski: Correct.

Chair Faucher: But on the attachment, that page number nine, it says that it has to be removed from the plans.

Chris Wegscheid: I believe that's, we previously were showing a row of windows in the stone foundation wall on the south side. Which we've since removed based on that condition.

Maureen Michalski: Yes that's the condition. That was related to a different; when we applied for a part two application, on the south wall we had shown a door opening and three windows on that and the submittal that you received removed those openings because the National Park Service stated that they would not find those acceptable. So that note relates to those windows that you're not seeing in this application.

Chair Faucher: Ok, I misunderstood what that was referring to.

Chris Wegscheid: They disappeared at some point.

Chair Faucher: Any further questions? Commissioner Hartnett.

Commissioner Hartnett: Dr. Smoley, could you, I'd like something on the screen. I'd like to see that south wall and talk about that bracing. I'm not sure I completely understand. The way I was reading it, I'm a little bit concerned that the structural solution might actually break that wall. Changing the force of...

Staff Smoley: Maybe I can refer you to your staff report packet if you wouldn't mind. The pages are numbered. Do you need like a photo or a rendering of that?

Commissioner Hartnett: I think it's a rendering that I'm looking for, the south elevation.

Staff Smoley: Page C9.

Commissioner Hartnett: So, the question that I have. Based on what you said, I'm not sure that I still have the concern. It sounds like the original condition had that this was a basement wall and it had interior soil pushing laterally on the interior face and pushing the wall out. Is that right?

Chris Wegscheid: The original condition was the soil on the Machine Shop side, the basement of the Machine Shop, which was only a partial basement, pushing to the south, out south, and the Bran House floor counteracting that force.

Commissioner Hartnett: Was the Bran House floor on the south side? So it lost its lateral support, so the fact that their putting a brace here makes complete sense. So I understand that and I completely agree with you to leave those in, there's no reason to take them out, I would think. My question though is the subsidence of that wall. And it sounds like it has not only rotated but it's also dropped a bit, vertically dropped?

Chris Wegscheid: More around the corner on the east side there was a about two or three feet from the southeast corner on the east elevation there was a network of cracks that ran all the way up the wall.

Commissioner Hartnett: I saw that in one of the pictures. The solution then is to put a helical pier.

Chris Wegscheid: The new parking garage is going in directly adjacent to the building there's a series of helical piles all the way along that east elevation. That works already been done.

Commissioner Hartnett: I'm not sure I was referring to that, but there's a statement that says the helical piers going on the corner to the.....unfortunately it's not here. Ok, that's perfect. Let me go back up to the paragraph. Bear with me; this gets a little bit technical. Ok, it says, three steel braces were installed.....hydraulic jacks will be used to raise the existing

brick pier that has settled and masonry pier and needle beam would be put in place to stabilize the corner. Can you show me where that brick is on?

Chris Wegscheid: [Showing on overhead projector] So its' this pier right here that was the one having difficulty, and that's all been corrected. That works been done. This pier has been stabilized, there's a strut that's been installed here to help pull that back into the building. And then the helical piles were driven down here.

Commissioner Hartnett: The helical piles are they for lateral support or vertical support. Are they straight?

Chris Wegscheid: You know this is getting a little bit out of my scope, I'm sure I can really fully explain that work. I think their vertical.

Commissioner Hartnett: But the helical piers and the stabilization was done previously. So there's no change to that. My concern, here's my concern, is if this is a building that sits on a strip footing so it's kind of a line load that's supported continuously along that line and suddenly you put a hard point on the end of it and then you put in some kind of fill. You're suddenly taking a building that's sitting on a wall and you're putting it on a point and you potentially are going to lose that support. You know somewhere, and it's dropped because the soil is some form of a spring and it's gotten to where there's equilibrium so its sitting on that soil until the soil is compressed enough so that it's just sitting on there. It is where it is. And it's happy, the physics of it is happy. We're unhappy because its ten inches down or whatever and so we want to raise it. As soon as you raise it and then set it on that point, then you've got that wall spanning back to where the soil is...you try to create that void right, and then you break that wall. And I've seen that happen a lot. If the wall is in the condition on this side as it is on the other side, you're almost guaranteed to break that wall if you do that. If that's the change of this...it sounds like it has already been done.

Chris Wegscheid: A couple of points, one, this wall is not at all like the wall on the south side because that was an old Bran House wall, which was built back in, I think it was the second building built in connection with the 'A' Mill. So this is a much newer wall and it's a concrete wall. And my other point, not being an engineer, but, it's not supported on a point because there's more than one helical pile. But there is a series of spaced helical piles all along the wall. I have the drawings I'd be happy to forward them to you if you'd like to take a look at them.

Commissioner Hartnett: If it's a concrete wall, it'll stand as a beam. I'm comfortable, I trust you. That answered my question, thank you.

Chair Faucher: Any further questions of the applicant? Commissioner Haecker.

Commissioner Haecker: Has Park Service approved your spec on raking the mortar joints?

Chris Wegscheid: They have yes.

Commissioner Haecker: And then the south wall, why stucco? What other materials did you....

Chris Wegscheid: We originally started with metal panel system. Our intent with the south wall is not to mimic any of the existing fabric. Rather to do something that again complements it but sets it off as a new element. We want it to be legible that this is not what was always there. This is a new piece to the building. So, with that intent and all of the rough surfaces there existing, we started with a very smooth metal panel system. But it was articulated the same way you see the stucco, essentially. The same window system, the same pattern joints, that kind of thing. That was denied by SHPO, their opinion was that it had to be something that was, I think, more sympathetic, I think was the word that they used. And so they offered the alternatives of brick or stucco. And stucco given the existing building was a much more feasible choice.

Chair Faucher: I have a question to build on that. I'm just curious, I appreciate the differentiation, what kind of struck me about it is that it almost is such a strong alternative style. To me it just kind of really, really strongly implies International Style with the ribbon windows. And at first, actually assumed just looking at the rendering it was metal panel, until I looked more closely and saw that it was stucco. And I'm just kind of curious, what was the impetus for the ribbon window. I mean, I understand trying to choose something different, but what to me makes it feel, quite honestly, I'm rather surprised that SHPO and NPS didn't have any objections to it from this standpoint because it does imply a whole other style. And doesn't kind of, you know, just create its own style and isn't just a little bit more kind of objective. So I'm just kind of curious what was the impetus for the ribbon windows?

Chris Wegscheid: When we were working on that elevation, we looked at a lot of industrial buildings, this being an industrial building we thought it was appropriate to draw from that vocabulary. And it's interesting that you mentioned International Style because the International Style was largely informed by industrial buildings. So there is a, sort of relationship there right off the bat. It isn't apparent from these elevations, since we're looking at one elevation to the next. But if you were to look at the corner of the building you would see that this line here aligns with the window head on the second floor. This aligns with the window sill, window head, window sill, window head, window sill. So really what we did was, we took the existing rhythm of the building and sort of wrapped it around the corner and ran it all the way across. What we try to avoid, was actually doing a lot of "design" on this elevation. We tried to keep it as minimal as possible and just work with those few horizontal lines that already existed in the building. Because we didn't want to start applying our own sort of design intent to the problem, we wanted to sort of extrude what was already there to complete the building. It was not lost on us, that this isn't a replacement wall per say, there never was a wall here, there was a building here. So the idea that we knit this thing back again, not by replacing something that was there, just by sort of extrapolating some of the things that already existed in the building to create this thing. And without dividing it up sort of arbitrarily, it's a big open space, it's meant to stay, depending on how it's divided once the tenants are in there. But it meant to be a big open space. So we thought well, let's have the windows respond to that big open space, let's not start applying a lot of arbitrary decisions about where window frames are and where they aren't and that sort of thing. So it's really, it

arose out of the intent to be as minimal and intervention as we could make it practically speaking, rather than, harkening back to an International Style intent, it so happens that our intent is sort of (??) with the International style in that way. And so maybe that is what you're responding to, you see that, you're responding to the same intent, rather than the same expression.

Chair Faucher: Ok. Commissioner Lackovic.

Commissioner Lackovic: I was surprised by the stucco, cause metal panel... I wasn't disturbed by the window, because I understood your rationale for it, cause it did time out. But, I was just surprised that it was stucco and not another metal panel.

Chris Wegscheid: I was too. There are metal panels all over the 'A' Mill. They were historically used all over the 'A' Mill. And so for that to be denied it was surprising to me.

Chair Faucher: Anything else? Thank you, we may have more later. I guess I never officially opened the public hearing. **So we'll open the public hearing.** Is there anyone else here that wishes to speak to this item for or against this item? **Seeing none, we will close the public hearing.** Commissioners, would anybody like to make a motion?

Commissioner Lackovic: I move to adopt staff findings and approve the application along with the historic variance to install rooftop and ground-mounted mechanical equipment with no screening at the 400 2nd Street Southeast address as conditioned. Second variance, I recommend we adopt staff findings and approve the historic variance to amend the application BZH 27254 to reduce the number of parking spaces required by the Zoning Ordinance for the properties; along with the conditions as stated. Third section, I recommend that Heritage Preservation Commission adopt staff findings and approve the certificate of appropriateness to structurally stabilize the Machine Shop's southeast corner; repair and replace masonry; repair and replace windows and doors and install window openings on the eastern, western, and northern sides of the building; install new window openings; install signage; replace the south wall; replace the roof; install exterior and interior aluminum storm windows; and replace the HVAC system at 400 2nd Street Southeast, the Pillsbury "A" Mill Machine Shop, subject to the following conditions. And these I'm going to go through because I have a few suggestions. Conditions one, accept as stated, it's a redundant request. It really has no impact; I would agree that you're already in that place so I see no reason to take that out. Omit condition number two. Omit three. Four, this is another redundant one with conditions already placed on them by NPS and SHPO, but I think we'll leave it in just because it is redundant, we're not asking for anything in addition. I would, however, stress that replacement brick and mortar should also... I mean brick as well as mortar should be tested to make sure you've got the matching properties for compressive strength and water absorption. It's not just the mortar, brick is important as well. So I think we'll leave four as is. Five, as is. Six, as is. And the point I want to make about that, staff I think pointed out something critical. It's the vertical joist that are of concern, not necessarily the way the spec is written. Spec is written fine for horizontal joints, that's an acceptable method. Angle grinders are problematic on head joints. So we leave that one as is. Seven, we leave as is. Eight, I would like to make a change to that one and just say retain the existing second floor

cargo door period. Nine, leave as is, again I think it is a good point that we like to make sure that the lug is included. You say that it is but this is a good way for us to say that we agree with it, it should be there. I would like to omit ten. This is a sensitive installation of a sign, using existing, unique conditions, I think, in this case is an acceptable variation of our (??). So, I think ten can be omitted. Eleven can stay. Twelve, one small change, instead of the word match I would like to insert the word complement, because I agree, that's difficult to match. Thirteen can stay. Actually the remaining can stay, and then the addition of seventeen, as provided in the addendum. That one we may want to have a discussion on, but for the sake of the motion, I would add seventeen in. So that's my motion.

Chair Faucher: Do we have a second?

Commissioner Hunter Weir: Second.

Chair Faucher: Thank you. Alright discussion. Commissioner Robert Mack.

Commissioner R. Mack: Thank you Ginny, I think you did a great job. Her notes are almost the same as mine, except that I would disagree with her solution for six. And I think that, this is really getting into that whole means and methods business. And if the contractor can show that they could do those head joints without damaging, overcutting up or down, I think that they should let them do it. Preservation brief number two allows it. So I think that if we eliminate number six altogether or if we say if it's in accordance with approvals of the National Park Service.

Chair Faucher: Is that a friendly amendment?

Commissioner Lackovic: Yes, I would accept that as a friendly amendment.

Chair Faucher: Is that acceptable to the seconder?

Commissioner Hunter Weir: Yes.

Chair Faucher: Commissioner Hunter Weir.

Commissioner Hunter Weir: What are those little grey boxes all over town that are wrapped with art work? Are those not transformers?

Chris Wegscheid: I think those are control boxes for traffic lights.

Commissioner Hunter Weir: My other was a question about encroaching onto the sidewalk. With this kind of opening, does the City allow that?

Staff Smoley: Madam Chair, members of the commission, yes, an encroachment permit would have to be granted by Public Works to be encroached in the public right-of-way, the sidewalk in this instance.

Commissioner L. Mack: I have a question about number 17, is that not the one that SHPO and National Park Service already approved; these new windows?

Chair Faucher: Yes. However, I want to say something about approvals by SHPO and the Park Service because...and I don't know if this is my place to say this or not, but my understanding, and maybe staff can confirm this. Is that when SHPO and the Park Service review something, it's approved, but until you have your part three approved for tax credits and certified, you're not approved. If they missed something or they didn't see something, they can still call it out later on. So when you say approved its kind of, you know. Is this your understanding as well?

Commissioner R. Mack: To say that you may doesn't mean that you must. You may do it this way but you can always come in with an amendment.

Chair Faucher: They have not said anything to negate that and put a condition on it in the first place. They've not said that it would not be allowed, is probably a more accurate way of stating that. Just to be 100 percent clear. Commissioner Bengtson.

Commissioner Bengtson: Can ask a follow up on that, because the applicant made a claim that the windows were already approved by the City. Can I ask if that is an accurate statement?

Maureen Michalski: Members of the commission, just a point of clarification. This project went through HPC approvals back in 2006 and at that point, these three windows were approved at that application. Just to clarify.

Chair Faucher: But then that project never happened. So the HPC at that time did approve it. Commissioner Bob Mack.

Commissioner R. Mack: Backing up to the variances there was a part about shifting some of those required spaces and reducing the number required for the residential part. Have the residential people had anything to say about that?

Chair Faucher: That's a good question for staff. I was kind of wondering about that too. Because that is a whole other developer and this was something the City Council, why are we ok with this now?

Staff Smoley: Commissioner Mack, Chair Faucher, members of the commission, great question, we have comment letters from the Marcy-Holmes Neighborhood Association as well as Phoenix on the River, the property immediately to the west of the subject property. Both indicating that they support the proposal without balconies that were initially proposed and the applicant has removed those from their request. And they support the parking variance as well.

Chair Faucher: But it's removing the parking from as I understand it, Dominion's project, right?

Staff Smoley: Correct. And they did give permission for the applicant to include the letter with the application saying they are ok with the applicant making this request. That was not included in the presentation.

Chair Faucher: If this was an issue previously to Planning, Zoning, who all on the application and the City Council were ok with it because....

Commissioner Lackovic: Wasn't it an issue more for financing. Wasn't initially there was an attempt to reduce the parking by Dominium, if I remember correctly. I mean everybody was in favor of reducing the parking but to secure financing there was some issues. I think that everybody agreed that reducing parking was in everybody's interest.

Staff Dvorak: The last action was appealed. And when it went through the City Council process, the City Council changed, made a condition, that all parking be provided for the residential piece of it because the use of this building wasn't known at this time. So now that there's a user, it will need parking. And so the applicant is requesting to change the variance. And there is nobody here to speak in opposition to that whereas the previous time this went through HPC there were people opposed to the variance.

Commissioner Lackovic: I think we can agree in theory and then whoever has a problem....

Chair Faucher: Ok, just curious. Further discussion? I have one further thing to note on item number 12, which we just had the one word change from match to complement. I wanted to propose a friendly amendment also to change the word painted because I think they noted that it would be integral in the stucco. So, I think we should just say shall complement. Just strike the - be painted.

Commissioner Lackovic: Shall complement the color of the...I'll accept that as friendly amendment.

Commissioner Hunter Weir: I will accept also.

Chair Faucher: Ok, thank you. Any further discussion.

Commissioner R. Mack: What do we think about the explanation for number 13?

Commissioner Vork: I was going to ask about that. I don't have an answer for you. I was interested in the wording. The interior storm windows shall touch the building as lightly as possible, which I interpret to mean the applicant is going to be the one determining how the storms touch. I'm wondering that is the intention and if everyone is ok with that. I'm not an architect or an engineer, so I'll rely on others expertise as to what needs to be done with that situation.

Chair Faucher: I think that final approvals as staff have pointed out. I mean reviews come back through, and all final plans have to come through and staff sees them one more time.

Commissioner R. Mack: I think the issue was the width of some of the rails.

Commissioner Haecker: How about, because I understand the structural issues he was talking about. Just say, rails and stiles as narrow as possible.

Cross talk

Commissioner L. Mack: Do you want us to say what our intent is here?

Chair Faucher: Dr. Smoley could you maybe pull up that window detail again? That shows that.

Staff Smoley: It is in the response to conditions that the applicant provided its sheet A74. So it's the darker section shaded here. It's just been presented to you this evening. So it's not in the electronic packet. And you're correct, our concern was that meeting rail there, because it appears the windows meet the conditions elsewhere.

Commissioner Hartnett: Shall touch the building only as necessary.

Commissioner Hunter Weir: If it's for reversibility and safety sake. Is that the issue here really? Rather they're safe; to have something that large.

Commissioner Lackovic: Quite honestly, it's not that large to me, when I look at their detail. Maybe the color of it probably has more impact. If it's a shiny aluminum, you may pick up some odd reflection off of it.

Commissioner L. Mack: That's why I was wondering if we could state our intent. That we want to minimize the visual impact, and then what are we doing, leaving it to staff for final review. So, should we strike 13, or?

Commissioner Lackovic: We could reword it so that for reversibility sake have frames, rails and stiles that minimize visual impact. Just leave it at that. Does that make sense to everybody to change out, to lose - or narrower than blah, blah, blah.

Chair Faucher: So Linda (Mack) would make the friendly amendment to say...

Commissioner L. Mack: What Ginny (Lackovic) just said.

Commissioner Lackovic: To repeat the friendly amendment the interior storm windows shall touch the building as lightly as possible for reversibility sakes and have frames, rails and stiles that minimize visual impact of the historic wood windows.

Chair Faucher: Alright, that's acceptable to the motioner and the seconder?

Commissioner Hunter Weir: Yes.

Chair Faucher: Alright, Further discussion. I wanted to discuss a little bit. This cargo door on the second floor, I completely agree with staff recommendation about it that it appears to be a pedestrian door on the second floor and that doesn't seem appropriate. I also understand the owners and the architect's problem with it being not exactly a weather tight door and that's the problem with not wanting to leave it as it is. So, I think what you were, in your motion, Ginny (Lackovic), you were saying to leave it as is, correct?

Commissioner Lackovic: I don't know that we have to...yeah. Yeah retain it. I mean it's kind of an oddity like you say; it doesn't make a whole lot of sense. But it does as a cargo door. It's part of the history of the building and as long as it's got the hoisting structure outside of it, it explains what it used to be. So that didn't actually bother me. And it's an appropriate place to hang a sign. What a nice way to reuse kind of a quirky condition. So my intent was to say that's ok, and if you have to weatherize however you need to weatherize it. But we're not compelling them to take it out and restore the original condition.

Chair Faucher: I guess that I'm fine with it then, unless anyone else has any thoughts on it. No, ok. Alright, any further discussion? No. Is everyone clear on what they're voting on? Will the clerk please call the roll?

Absent: Stade

Aye: Bengtson, Faucher, Haecker, Hartnett, Hunter Weir, Lackovic, L. Mack, R. Mack, Vork

Motion passed